REMARKS

This Amendment is filed in response to the Office Action mailed September 12, 2006. All objections and rejections are respectfully traversed.

Claims 1-49 are pending in the case.

No claims have been amended.

Claims 50 - 59 have been added.

Care was taken to avoid adding new matter to the application.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3074.

Rejection under 35 U.S.C. §101

At page 2, lines 1-13 of the Office Action, claim 1 was rejected under 35 U.S.C. §101 because the Examiner asserted that "associating a soft lock with a persistent consistency point image (PCPI)" is merely an abstract idea.

Applicants' claim 1 sets forth:

1. A system for synchronizing dependencies upon a set of persistent consistency point images (PCPIs) among a set of computers, the system comprising:
   means for identifying a dependency upon the set of PCPIs;
   means for creating a set of soft locks, each soft lock in the set of soft locks associated with each of the PCPIs in the set of PCPIs; and
   means for transmitting the set of soft locks to one or more of the set of computers.

Contrary to the Examiner's assertion, Applicants respectfully submit that claim 1 does not include a step of "associating a soft lock with a persistent consistency point im-

age (PCPI)." Rather, the claimed "**means for creating a set of soft locks, each soft lock in the set of soft locks associated with each of the PCPIs in the set of PCPIs**" is part of a claimed "system for synchronizing..." which as a whole is useful, concrete and tangible. Further, claim 1 particularly claims a system that operates on a set of computers, and as such claims hardware that are clearly patentable articles of manufacture under 35 U.S.C. §101. Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. §101 is improper and should be withdrawn.

Rejection under 35 U.S.C. §112

At page 2, line 14 – page 3, line 16 of the Office Action, claim 1 was rejected under 35 U.S.C. §112, second paragraph, because the Examiner asserted that the terms "PCPI" and "soft lock" defined by Applicants contrary to their ordinary meaning and that their uncommon definitions are not clearly set forth.

Applicants respectfully submit that, contrary to the Examiner's assertion, the term PCPI is defined and used in the present case in a manner that is consistent with their excepted meaning, and interchangeably with the term "snapshot." Applicant's further submits that the term "PCPI" as used is defined, for example, at page 6, lines 3 – 9 of the specification which sets forth: "Snapshots, or PCPIs, described further below, are a point-in-time representation of the storage system..."

Similarly, Applicants respectfully submit that, contrary to the Examiner's assertion, the term "soft lock" is described extensively in the specification, for example, in the specification subsection entitled "Softlocks" at page 22 and with reference to Fig. 9 which illustrates a softlock data structure.

Since the terms "PCPI" and "softlock" are used consistently with their common meaning and are, nonetheless, clearly described in the specification, Applicants respectfully submit that the rejection of claim 1 under 35 U.S.C. §112, second paragraph, is improper and should be withdrawn.

Rejections under 35 U.S.C. §102

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At page 4, lines 1-3 of the Office Action, claims 1-8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,105,057 to Kuftedjian et al. (hereinafter "Kuftedjian").

The Applicants' claim 1, representative in part of the other rejected claims, sets forth:

1.   A system for synchronizing dependencies upon a set of persistent consistency point images (PCPIs) among a set of computers, the system comprising:
means for identifying a dependency upon the set of PCPIs;
means for creating a set of soft locks, each soft lock in the set of soft locks associated with each of the PCPIs in the set of PCPIs; and
means for transmitting the set of soft locks to one or more of the set of computers.

Kuftedjian discusses network level locks, called network mutexes, on network objects such as databases and ports. *See* Kuftedjian, Abstract, lines 1 – 3.

The Applicants respectfully urge that Kuftedjian is silent concerning the Applicants' claimed **"means for identifying a dependency upon the set of PCPIs."** Kuftedjian does not mention or concern dependencies, or PCPIs, much less teach or suggest "identifying a dependency upon the set of PCPIs" as Applicants particularly claim.

The portion of Kuftedjian cited in the Office Action as showing this aspect of the claims (Fig 2, col. 5, lines 5-25; col. 6, lines 5-10; col. 6, lines 50-65; and col. 7, lines 1-10) merely discusses means allowing applications and elements on a network to lock/unlock network objects and resources. *See* Kuftedjian, col. 5, lines 6-10. Applicants respectfully submit that Kuftedjian does not refer in any way to any element's dependency on network object, a resource being locked/unlocked, or more particularly to any means for identifying a dependency upon a set of PCPIs as claimed in claim 1.

Since Kuftedjian does not disclose each element of claim 1, Applicants respectfully submit that the rejection of claim 1 under 35 U.S.C. 102(b) is improper and should be withdrawn.

All independent claims are believed to be in condition for allowance.
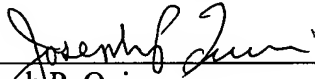
All dependent claims are believed to be dependent from allowable independent claims and are therefore also allowable.

Reconsideration is respectfully requested.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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